

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazuyoshi Oshima et al.

Application No.: 10/555,720

Confirmation No.: 2059

Filed: November 7, 2005

Art Unit: 3634

For: DEVICE FOR GUIDING PLATE-LIKE
OBJECT

Examiner: C. A. Kelly

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Final Office Action dated June 26, 2009, and the subsequent Advisory Action dated September 15, 2009, claims 25, 2, 3, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Publication No. 1-151681 ("Furumoto"), claims 10, 11, 13-15, 18-22, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Furumoto in view of U.S. Patent No. 6,926,342 ("Pommerer"). Applicant respectfully asserts that the Examiner has mischaracterized the teachings of the prior art to read on the claims of the present application, and thus improperly maintained the 35 U.S.C. §103 (a) rejections.

Rejections of Claims 25, 2, 3, 9-11, 13-15, 18-22, and 24 Under 35 U.S.C. §103 (a)

Applicant respectfully asserts that the Examiner has failed to satisfy the requirements set forth in MPEP § 2143. Specifically, to establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the Examiner must show that the prior art references, when combined, teach or suggest all of the claim limitations (see MPEP § 2143).

Claims 25, 2, 3, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Furumoto.

Referring to Figs. 21 and 22 as an example, the guide apparatus according to one of more embodiments of the claimed invention guides a movement of a plurality of doors 3 with

respect to a main body 1. The guide apparatus includes a plurality of rotatable rails 81. Each of the plurality of rotatable rails 81 includes three regions for supporting a roller 88 of the door 3: a supporting surface 82a, an auxiliary track 82b, and an additional track 81x that is parallel to the auxiliary track 82b. At a first rotation position of the rotatable rail 81, the roller 88 is positioned on the supporting surface 82a, while at a second rotation position of the rotatable rail 81, the roller 88 is positioned on the auxiliary track 82b, and the auxiliary track 82b of one door 3 becomes continuous with an additional track 81x of a rotatable rail 81 of another door 3.

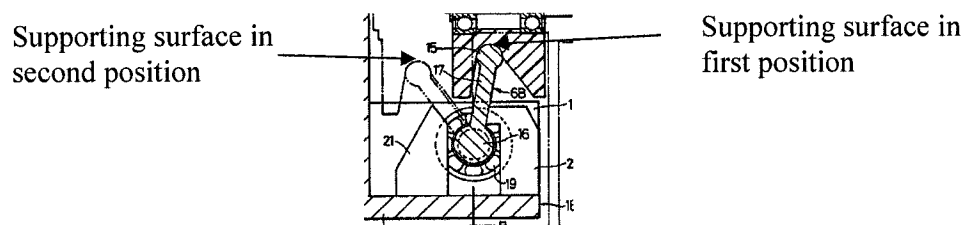
Thus, when one rotatable rail 81 at the first rotation position is adjacent to another rotatable rail 81 at a second rotation position, the one rotatable rail 81 can support one door 3 on the supporting face 82a, and can concurrently receive a second door 3 from the another rotatable rail 81 on the additional track 81x, because the additional track 81x of the one rotatable rail is continuous with the auxiliary track 82b of the another rotatable rail. That is, one rotatable rail 81 can support two doors in an overlapping manner. The claimed invention allows for high degree of freedom in moving doors from rail to rail. For example, if there are four adjacent doors ("Door A, Door B, Door C, Door D") on four adjacent rotatable rails ("Rail A, Rail B, Rail C, Rail D"), Door B can be moved to Rail A, Door D can be moved to Rail B, then Door B can be moved to Rail D, such that the door arrangement is changed from ABCD to ADCB.

Accordingly, claim 25 requires, in part, "each of said plurality of rotatable rails includes a supporting surface, an auxiliary track, and an additional track parallel to said auxiliary track," "in said first rotation position, each of said plurality of rotatable rails supports a corresponding one of said plurality of doors in said set position by making said roller ride on said supporting surface," "in said second rotation position, each of said plurality of rotatable rails supports a corresponding one of said plurality of doors in said preparation position by making said roller ride on said auxiliary track," and "when one of two adjacent ones of said plurality of rotatable rails is in said second rotation position, said auxiliary track of said one of two adjacent ones of said plurality of rotatable rails is continuous with said additional track of the other of said two adjacent ones of said plurality of rotatable rails in said first rotation position."

The Examiner asserts that the rail 6B of Furumoto reads on the rotatable rail of the claimed invention, and that different sides of the rail bar 15 of the rail 6B read on the supporting surface, auxiliary track, and the additional track of the claimed invention. Specifically, the Examiner asserts that the upper side of the rail bar 15 reads on the supporting

surface, the left side of the rail bar 15 reads on the auxiliary track, and that the right side of the rail bar 15 reads on the additional track.

However, as clearly shown in Fig. 3 of Furumoto, reproduced in part below, only a single portion of the rail bar 15 acts as a supporting surface of the roller 5 for each of the two respective positions. Thus, it would be unreasonable to construe the rail bar 15 as having a supporting surface, an auxiliary track, and an additional track. Thus, Furumoto fails to show or suggest at least “each of said plurality of rotatable rails includes a supporting surface, an auxiliary track, and an additional track parallel to said auxiliary track,” as required by the claim.



Furthermore, the Examiner asserts that it would be obvious to adjacently arrange two rails of Furumoto, with one in a first position and the other in a second position. However, claim 25 requires that the auxiliary track of one rotatable rail in a second rotation position be *continuous* with the additional track of another adjacent rotatable rail in a first rotation position. Because the rail bar 15 of Furumoto moves in a front-rear direction from the first position to the second position, none of the surfaces of the rail bar 15 of the first rail 6B in a first position would be continuous with a surface of the rail bar 15 of an adjacently disposed second rail in a second position. This is because, as clearly shown in Fig. 3 of Furumoto reproduced above, there is absolutely no overlap of the rail bar 15 between the first and second positions. Thus, the rail 6B of Furumoto cannot simultaneously support two doors, as is the case with the claimed invention. Furumoto, therefore, also fails to show or suggest at least “when one of two adjacent ones of said plurality of rotatable rails is in said second rotation position, said auxiliary track of said one of two adjacent ones of said plurality of rotatable rails is continuous with said additional track of the other of said two adjacent ones of said plurality of rotatable rails in said first rotation position,” as required by the claim.

In view of the above, Furumoto fails to show or suggest all of the limitations of claim 25. Thus, claim 25 is patentable over Furumoto. Dependent claims are allowable for at least the same reasons.

Claims 10, 11, 13-15, 18-22, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Furumoto in view of Pommerer.

As explained above, claim 25 is patentable over Furumoto. Pommerer fails to supply that which Furumoto lacks with respect to claim 25. That is, Pommerer fails to show or suggest at least “each of said plurality of rotatable rails includes a supporting surface, an auxiliary track, and an additional track parallel to said auxiliary track,” “in said first rotation position, each of said plurality of rotatable rails supports a corresponding one of said plurality of doors in said set position by making said roller ride on said supporting surface,” “in said second rotation position, each of said plurality of rotatable rails supports a corresponding one of said plurality of doors in said preparation position by making said roller ride on said auxiliary track,” and “when one of two adjacent ones of said plurality of rotatable rails is in said second rotation position, said auxiliary track of said one of two adjacent ones of said plurality of rotatable rails is continuous with said additional track of the other of said two adjacent ones of said plurality of rotatable rails in said first rotation position,” as required by claim 25. Instead, Pommerer discloses only a single door and a single rail.

In view of the above, Furumoto and Pommerer, whether considered separately or in combination, fail to show or suggest all of the limitations of claim 25. Dependent claims are allowable for at least the same reasons.

Additionally, claim 10 requires, in part, “a support bracket is rotatably connected to said corresponding one of said plurality of doors in such a way that said support bracket rotates about a second rotation axis parallel to said first rotation axis; and said roller is supported in said support bracket.”

The Examiner admits that Furumoto fails to show or suggest the above limitations of claim 10, but asserts that Pommerer teaches the above limitations.

However, in contrast to the support bracket of claim 10, which rotates about a second rotation axis extending horizontally parallel to the first rotation axis of the rail, the link 18 of Pommerer rotates about a *vertical axis*.

In the Advisory Action, the Examiner asserts that a combination of a rotating rail of Furumoto and a rotating bracket of Pommerer can read on claim 10. However, the Examiner has not rebutted Applicant’s argument that the link 18 of Pommerer, which the Examiner

equates to the rotating bracket of the claimed invention, rotates about the vertical axis, which would be *perpendicular* to the horizontal rotating axis of the rail.

Thus, Furumoto and Pommerer, whether considered separately or in combination, fail to show or suggest the above limitations of dependent claim 10.

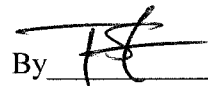
Additionally, claim 11 requires, in part, "said roller is of a disc shape and is turnably supported in a distal end portion of said support bracket, so that said roller lies with a side surface thereof abutting said supporting surface of said receiving groove when said rotatable rail is in said first rotation position and said roller stands up with a circumferential surface thereof abutting said auxiliary track when said rotatable rail is in said second rotation position."

The Examiner asserts that Furumoto teaches the above limitations of claim 11. However, in contrast to bracket of claim 11, Furumoto fails to show or suggest a roller of a disc shape that can lie down and stand up. As shown in Fig. 3 of Furumoto, the roller 5 of Furumoto stays upright in both positions. Thus, Furumoto and Pommerer, whether considered separately or in combination, fail to show or suggest the above limitations of dependent claim 11.

In view of the above, Examiner has clearly mischaracterized the teachings of the prior art to read on the claims of the present application, and the maintenance of the §103(a) rejections of claims 25, 2, 3, 9-11, 13-15, 18-22, and 24 is improper and should be withdrawn. Accordingly, a favorable decision from the panel is respectfully requested. Please apply any charges not covered, or any credits, to Deposit Account No. 50-0591, under Order No. 12088/039001 from which the undersigned is authorized to draw.

Dated: October 26, 2009

Respectfully submitted,

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